

Chapter Five

Horizontal Interplay: The Politics of Institutional Linkages

ALTHOUGH THOSE SEEKING to understand the formation and operation of individual regimes may be tempted to deemphasize or even ignore events occurring beyond the confines of their own cases, linkages among distinct institutions operating at the same level of social organization are ubiquitous. Sometimes these links arise from functional interdependencies among the activities covered by different regimes (e.g. separate arrangements dealing with commercial and environmental matters). Other horizontal interactions are attributable to the fact that individual regimes are based on premises or principles that are crosscutting or orthogonal to one another (e.g. the global but functionally restricted regime for whales and the geographically limited but functionally broader regime covering Antarctic marine living resources). In still other cases, by contrast, horizontal interplay results from the deliberate efforts of individual actors or interest groups to pursue their own objectives through the development of competing regimes located within a single issue area.

More generally, it is fair to say that the extent and significance of horizontal interplay is a function of the density of institutional arrangements operative in a society. As the number of distinct institutions located in a given social space rises, opportunities for interactions between and among individual arrangements increase exponentially. This explains why horizontal interplay has long been a subject of great interest among those who focus on (sub)national systems. It also accounts both for the lower level of interest in such matters in the past among

those concerned with international relations and for the growing interest in horizontal interplay among analysts concerned with international society today.

Many horizontal linkages – much like the vertical linkages discussed in the preceding chapter – involve functional interdependencies, taking the form of side effects or unintended byproducts of actions designed to achieve other ends. A number of analysts have adopted the term institutional overlaps to refer to linkages of this sort (Herr 1995). Even so, players active in most social settings are acutely aware of the fact that the regimes they create are likely to interact with other institutional arrangements located at the same level of social organization; many incorporate this awareness into their goal-directed behavior as a matter of course. In some cases, responses to this awareness will be guided predominantly by a desire to solve problems or enhance cooperative outcomes and, as a result, to make distinct institutional arrangements fit together into structures that promote the common good. In other cases, by contrast, those concerned with horizontal interplay will strive to exploit linkages among institutional arrangements for competitive purposes or, in other words, to advance their own agendas whether or not such actions detract from joint initiatives intended to solve problems (Schelling 1960). Taken together, conscious efforts to make use of interplay to promote both cooperative and competitive ends constitute a domain of human activities that can be thought of as the politics of institutional linkages.

This chapter addresses this topic in stages. The first two substantive sections focus on efforts to structure institutional interplay primarily through exercises in joint decisionmaking intended to maximize or at least enhance social welfare. The analysis turns first to formative

links or institutional interactions arising during processes of regime (re)formation and then to operational links or institutional interactions arising in connection with the day-to-day operation of regimes once they are in place. The final substantive section then explores strategic uses of institutional interplay in which influential actors endeavor to exploit links among distinct arrangements in their efforts to advance their own causes. As in other chapters, this account directs attention to examples involving the institutional dimensions of largescale environmental changes, such as ozone depletion and climate change.

The general conclusion arising from this analysis is straightforward. The occurrence of institutional interplay ordinarily generates incentives to manage interactions in such a way as to reap joint gains or avoid joint losses. But achieving this goal is easier said than done. Not only does interplay involve mixed-motive situations in which actors can and often do act in ways that complicate the pursuit of the common good (Schelling 1960); the resultant interactions sometimes open up opportunities for strategic behavior on the part of those who have little or no interest in promoting the common good. This is not to say that the politics of institutional design and management will always lead to failure from the perspective of social-welfare maximization. But it does provide good grounds for proceeding with caution and avoiding naïve expectations in this realm.

1. Formative Links

Those who take the initiative in efforts to form institutions as a means of responding to newly emerging problems or to reform existing institutions in order to adapt them to changing circumstances must make a number of decisions that have implications for institutional interplay.

They may choose to address a broad range of more-or-less related issues within the ambit of a comprehensive institutional arrangement, an approach that will yield clustered regimes (e.g. the comprehensive arrangements articulated in the 1982 UN Convention on the Law of the Sea) in which linkages among distinct regimes are minimized but the internal complexity of the resultant arrangements rises rapidly. Alternatively, they may opt to define problems narrowly and endeavor to create distinct regimes focusing on a variety of separate issues (e.g. the conservation of migratory birds, the protection of marine mammals, the management of fish stocks). In such cases, the scope for interplay among distinct regimes dealing with differentiable issues increases proportionately. No doubt, there are instances in which choices of this sort are made in an unreflective manner so that subsequent interactions are properly thought of as institutional overlaps. More often than not, however, actors take such decisions in a self-conscious manner, a process that gives rise to the politics of institutional linkages, whether or not the ultimate outcomes conform to the expectations of those whose arguments carry the day during processes of regime (re)formation.

1.1 Framing the Issues

Regimes are problem driven. Yet the framing of issues to be addressed by specific regimes is a social process that is not determined entirely by objective characteristics of the relevant problems (Litfin 1994, Wendt 1999). Consider the matter of climate change as a case in point. Even when climate change is addressed in isolation from other atmospheric concerns (e.g. ozone depletion, acid precipitation), there are a number of different ways to conceptualize the issues at stake. Is it better to concentrate on carbon dioxide on the grounds that this is the most important greenhouse gas or to think in terms of a basket of gases on the grounds that the

problem of climate change cannot be solved without controlling atmospheric concentrations of the full range of greenhouse gases? Whatever the range of gases included, does it make sense to focus exclusively on arrangements dealing with reductions in emissions or to consider arrangements that direct attention to combinations of emissions reductions and emissions offsets (in such forms as the sequestration of carbon dioxide in forest sinks) in the effort to control the quantities of these gases resident in the Earth's atmosphere? Is it preferable to separate the problem of reducing current emissions on the part of advanced industrial countries from the problem of avoiding increases in future emissions on the part of developing countries or, conversely, to opt for integrated arrangements, featuring joint implementation (JI) and a clean development mechanism (CDM), intended to encourage the advanced industrial countries and the developing countries to enter into mutually beneficial relationships in this issue area?

Beyond this lies the question of the relative merits of focusing on climate change as an issue to be addressed on its own terms (that is, without reference to other atmospheric concerns) or recognizing explicitly the links between climate change and other atmospheric problems, such as the depletion of stratospheric ozone and the long-range transport of airborne pollutants. The existence of certain functional interdependencies between these problems is well known. A number of the proposed substitutes for chlorofluorocarbons (CFCs) are themselves greenhouse gases; the presence of sulfur dioxide in the atmosphere is likely to retard or mitigate global warming. Other links are poorly understood at present, but no less relevant. There is some evidence, for instance, regarding links between the emission of greenhouse gases and ozone depletion. The basic idea is that the warming of the troposphere associated with the greenhouse effect may lead to a cooling of the stratosphere and a resultant increase in the rate of ozone

depletion. Responding to these concerns, some observers have suggested that serious thought be given to the development of a law of the atmosphere or, in other words, a clustered regime covering a range of anthropogenic impacts on atmospheric systems (e.g. climate change, ozone depletion, acid precipitation) in much the same way that the law of the sea encompasses a range of issues dealing in one way or another with the impacts of human activities on marine systems.

The treatment of these atmospheric issues also poses questions involving links between environmental regimes and economic arrangements pertaining to matters like international trade. The ozone regime authorizes the use of trade sanctions in order to persuade or compel actors to fulfill commitments regarding the production and consumption of ozone-depleting substances. The development of effective measures to combat climate change will require the imposition of restrictions on production processes for energy-intensive goods that enter into international trade. Many suggestions for reducing emissions of greenhouse gases or encouraging investments in emissions offsets envision the establishment of quasi-markets that would be subject to the general rules governing international trade. Under the circumstances, it is impossible to avoid a consideration of the relative merits of merging arrangements covering trade and climate change on the one hand or dealing explicitly with the interplay between separate arrangements covering these matters on the other.

As this illustration makes clear, those endeavoring to frame issues to set the stage for efforts to (re)form regimes often confront options ranging from the widest possible formulation in which the full array of issues relating to a broad area of human activity are treated as the appropriate domain to highly restrictive formulations in which issues are defined as narrowly as

possible and addressed separately in efforts to create effective institutions.¹ The choices that actors make about such matters are neither right nor wrong in any objective sense. But they do have strikingly different consequences with regard to the occurrence of horizontal interplay. As the scope of the issues encompassed by a single institutional arrangement expands, opportunities for interplay with separate or distinct regimes decline but internal complexities associated with the operation of the arrangement in question grow and vice versa. Not surprisingly, there are advantages and disadvantages associated with efforts both to narrow and to expand the scope of specific regimes. The inner workings of narrow regimes are relatively simple, but they typically require greater investments of time and energy in efforts to manage interactions with other regimes. Conversely, more comprehensive regimes are able to endogenize institutional linkages, but they are apt to require much greater attention to issues arising from internal complexities or contradictions and the rigidities or potential for stalemate that go with them.

In general terms, optimality in this context occurs at the point where the marginal costs arising from increases in institutional interactions just equal the marginal costs associated with increases in internal complexity. Yet the value of a general formula of this sort is largely heuristic. There is little prospect that the relevant benefits and costs arising in specific situations can be measured with sufficient precision to yield conclusions about optimality that will prove useful for purposes of policymaking. How, then, are such decisions about alternative approaches to framing the issues made in actual instances of regime (re)formation? In this section, I argue that three distinct – though by no means mutually exclusive – factors account for most of the variance in this realm: cognitive fashions, organizational mandates, and actor interests.

¹ . The framing of issues with regard to largescale environmental matters is a major focus of analysis in the Global Environmental Assessment project based at Harvard University (Clark et a. 2001).

Fashions - in the form of demonstration effects or simple extrapolations from experiences of the recent past - are common in this realm. In recent years, for instance, many practitioners, have taken note of the difficulties encountered in the effort to reform the law of the sea during the 1970s and 1980s and attributed these difficulties to the decision to create a comprehensive arrangement in this realm. They typically conclude that it is better to approach largescale environmental issues in relatively narrow or disaggregated terms (Susskind 1994). As a result, efforts to form regimes during the 1980s and 1990s often focused on issues defined in relatively narrow terms, such as ozone depletion, acid precipitation, or transboundary movements of hazardous wastes. The apparent success of the regime dealing with CFCs and other chemicals implicated in the depletion of stratospheric ozone has served to reinforce this reaction to the complications expected to afflict efforts to devise a clustered regime covering a wide range of human activities affecting atmospheric systems (Soroos 1997). Yet this trend is an ad hoc response to recent experience rather than an approach to the handling of largescale environmental problems that is well-grounded in a comparative assessment of the costs and benefits of alternative strategies. Specific problems like ozone depletion and climate change are linked together in functional terms, a fact that ensures that there will be a good deal of interplay among separate regimes created to deal with these problems, whatever the preferences of those who negotiate the terms of individual arrangements. It remains to be seen whether and when the costs of endogenizing links of this kind through the creation of more comprehensive regimes exceed the costs of dealing with unavoidable interactions among separate and more narrowly defined arrangements.

In other cases, organizational mandates influence or even dictate the manner in which issues are framed for purposes of regime formation. Many observers have pointed out, for example, that the problem of marine pollution is attributable to a combination of vessel-source discharges and land-based runoffs. There is growing evidence that land-based runoffs have become a critical concern with regard to marine pollution, a conclusion that suggests that efforts to come to terms with pollution in large marine ecosystems should encompass both vessel-source and land-based pollutants in some coordinated fashion. Yet so long as marine pollution is handled through agencies, like the International Maritime Organization (IMO), that deal exclusively with vessel-source pollution, there is little prospect that a coordinated approach to the problem will be adopted. Dealing with vessel-source problems constitutes a central concern of the IMO; coping with land-based problems is not part of the mandate of that organization (Mitchell 1994). This situation undoubtedly helps to account for the contrast between the scope of the International Convention for the Prevention of Pollution from Ships (MARPOL 1973/78) which is limited to vessel-source pollution, and the scope of the regime for the North Sea, which was developed during the same time period but covers land-based pollutants as well as the problem of dumping at sea. Whereas MARPOL is associated with the IMO, the North Sea regime was created as a freestanding arrangement under the terms of the Oslo and Paris Conventions (Mitchell 1994, Skjaereth 2000).² These considerations have little to do with any generic test for optimality in determining the balance between endogenization and interplay. But they do help to explain the patterns of institutional interactions that occur in specific situations.

² . The North Sea regime has evolved into a more complex institutional system over time. Among other things, this has led to a greater integration of efforts to deal with vessel-source and land-based pollution. But the regime remains a freestanding arrangement.

Nor should we ignore the role of the interests of key actors as determinants of the framing of issues that have significant implications for institutional interplay. With regard to climate change, for instance, the United States and other members of what is now known as the Umbrella Group have consistently favored an approach encompassing the full set of greenhouse gases. The members of the European Union, by contrast, have often argued for a more restrictive approach with respect to the gases covered. The interests underlying these divergent preferences are not hard to identify. The members of the Umbrella Group assume that they will find it easier to fulfill commitments relating to targets and timetables if they have more room to maneuver and, arguably, to find ways to meet the letter of these commitments while avoiding painful changes in current practices. A particularly transparent example of this view is the argument that actions associated with the phasing out of CFCs and other ozone-depleting substances should be counted toward fulfilling commitments to reduce net emissions of greenhouse gases. But more subtle versions of this type of thinking have been proposed in a number of settings. For their part, members of the European Union have a strong interest in finding ways to decarbonize their economies; they regard emissions of carbon dioxide as main feature of the problem of climate change. Taking the problem seriously therefore requires an approach that compels those subject to the provisions of the climate regime to come to terms with the complications associated with meaningful efforts to reduce carbon emissions. The point here is not that one or the other of these approaches to the problem of climate change is correct. But the two approaches can be expected to have quite different implications for the balance between endogenization and institutional interplay. These differences clearly involve the politics of institutional linkages in the sense that they give rise to intentional acts. But there is no basis for assuming that the resultant interactions

will produce optimal results measured in terms of the creation of institutional arrangements that contribute to solving the problem of climate change.

1.2 Choosing Arenas

Choices pertaining to the arenas in which processes of regime formation take place often go hand in hand with the framing of issues for purposes of creating institutional arrangements. Sometimes framing actually dictates the choice of arenas and vice versa. Yet it is worth drawing a distinction between the framing of issues and the choice of arenas and considering how the latter can affect the scope for and nature of institutional interplay. There is nothing self-evident or automatic about the choice of arenas for purposes of regime formation. The Intergovernmental Negotiating Committee on Climate Change (INC), the body responsible for negotiating the terms of the 1992 UN Framework Convention on Climate change (UNFCCC), operated directly under the auspices of the UN General Assembly, despite the fact that many participants would have preferred a process managed by the United Nations Environment Programme (UNEP) or a process involving a more central role for the Intergovernmental Panel on Climate Change (IPCC). By contrast, the Intergovernmental Negotiating Committee on Biological Diversity (INC), an entity created at roughly the same time and given the assignment of devising the provisions of the 1992 Convention on Biological Diversity (CBD), operated as a body functioning under the auspices of UNEP.³

Nor are these isolated instances. Those desiring to negotiate the terms of what became the 1979 Convention on Long-Range Transboundary Air Pollution (CLRTAP) confronted a choice

³ . But note that in its operational form, the regime set up under the terms of the CBD has a freestanding secretariat that does not operate under the auspices of UNEP.

of negotiating forums including the Council of Europe, the European Union (then the European Economic Community), the Organization for Economic Cooperation and Development (OECD), and the UN Economic Commission for Europe (UNECE). Ultimately, they selected the UNECE as the appropriate vehicle for this endeavor, a decision that has had far-reaching consequences for the evolution of this regime over the last twenty years. The 1995 convention on straddling fish stocks and highly migratory fish stocks (popularly known as the Fish Stocks Agreement) emerged from a series of negotiating sessions taking place under the auspices of the UN General Assembly. The Code of Conduct for Responsible Fisheries, negotiated at the same time and also finalized in 1995, was the product of a process taking place under the auspices of the UN Food and Agriculture Organization (FAO), one of a collection of specialized agencies that make up the United Nations System.⁴ Yet another procedure is exemplified by the freestanding processes leading to the creation of the whaling regime through the adoption of the 1946 International Convention on the Regulation of Whaling (ICRW) and the formation of the regime for Antarctica through the adoption of the 1959 Antarctic Treaty (AT). In the case of Antarctica, the parties made a point of avoiding arenas linked to the UN and have actively resisted subsequent efforts to bring this regime into some recognized relationship with the United Nations.

What consequences do these choices regarding arenas have for the patterns of institutional interplay that grow up around regimes? There are no simple answers to this question. But it is apparent that the choice of arenas for the conduct of negotiations dealing with regime formation can have far-reaching consequences for institutional interplay. The decision to create a negotiating committee for climate change reporting directly to the UN General

⁴ . Many of the same individuals participated in the two sets of negotiations. But the fact that the negotiations occurred under different auspices shaped the course of these processes of regime formation

Assembly signaled both that the North/South dimensions of this problem would figure prominently in the process of regime creation and that the problem of climate change would become a matter of “high” politics rather than a matter regarded as suitable for technical or largely scientific consideration. This choice stimulated the emergence of a pattern of institutional interplay featuring prominent interactions between climate change and the larger economic arrangements associated with globalization as well as the broader political arrangements governing North/South relations. In the case of CLRTAP, the choice of the UNECE - in contrast to the EU or the OECD - as a negotiating forum reflected both the significance of this issue in East/West terms and a desire to avoid thinking about the problem as a purely European matter. This decision ensured the emergence of a pattern of institutional interplay featuring links between air pollution in Europe and North America and, more broadly, between this environmental concern and various efforts to alleviate the tensions of the cold war.

Similar remarks are in order about the other cases referred to in the preceding paragraphs. The negotiating process that produced the 1995 Fish Stocks Agreement led to a close association between this arrangement and the overarching institutional framework established under the terms of UNCLOS. For better or for worse, the regime for fish stocks will interact with other international regimes as a part of this nested system rather than as an arrangement with a life of its own. The origins of the regimes for whaling and Antarctica, on the other hand, have produced the opposite result with regard to institutional interplay. Needless to say, there is extensive interplay between these regimes and other institutional arrangements operative at the international level. The whaling regime, which is global in scope but functionally narrow, and the regime for Antarctica, which is functionally broader but geographically limited, even exhibit

in significant ways.

functional interdependencies with one another. Given their origins, however, it is difficult to come to terms with institutional interplay in this case through the organizational structures provided by the United Nations System.

For the most part, choices of arenas for processes of regime formation involve conscious acts, so the institutional interactions resulting from these choices deserve to be included in a consideration of the politics of institutional linkages. But there is no reason to conclude from this observation that these choices are products of sophisticated efforts to design arrangements that will prove optimal in terms of problem solving. Rather, the outcomes that occur are better understood as products of organizational imperatives on the one hand and calculations of actor interests on the other. There is no mystery about the desire of UNEP to control regime formation in the area of climate change, of the FAO to dominate the creation of fisheries arrangements, or of the IMO to influence the content of regimes dealing with marine pollution.⁵ The mandates of these organizations cover the issues in question and provide them with powerful incentives to seek to control the action when it comes to regime building in their areas of competence. Failure to do so inevitably raises questions about the authority of these organizations in their own fields and, as a result, leads to an erosion of their ability to influence the course of events in international society.

Yet it is equally easy to understand why major players or coalitions engaged in regime formation are often unwilling to allow such processes to proceed in the arenas provided by these organizations. The developing countries did not trust a process dominated by UNEP to produce

⁵ . This does not mean that they always or even usually succeed in these terms. The politics of regime formation are too complex to support any simple generalizations of this sort.

institutional arrangements responsive to their concerns in the case of climate change. Those motivated by a concern for conservation were not interested in the more comprehensive approach to fisheries issues advocated by FAO and lacked confidence that FAO would be able to produce arrangements adequate to avoid severe depletions of straddling stocks and highly migratory species. The great powers were determined to handle the problem of Antarctica in an arena of their own devising that they would be able to control without having to contend with the interests of a large number of (in their view) extraneous concerns introduced by members of the UN General Assembly. The UNECE became the arena of choice for dealing with long-range transboundary air pollution not because of any established competence in handling environmental matters but rather because it seemed to offer a setting congenial to those desiring to use the development of this regime as a means of alleviating broader East/West tensions. The ultimate outcomes, stemming as they do from the confrontation of organizational imperatives and the interests of major players in the negotiating processes, cannot be expected to yield results that are optimal in terms of considerations of institutional interplay. Yet these formative links can and often do set the stage for the emergence of patterns of interplay whose effects are felt long after the process of regime formation is over.

1.3 Bargaining over Content

The framing of an issue and the selection of an arena in which to conduct negotiations about it set the stage for what is often characterized as institutional bargaining or, in other words, bargaining over the contents of the constitutional contracts - conventions, treaties, declarations, or other explicit agreements – in which the provisions of regimes are articulated (Young 1994). Many observers have noted the role that adding or subtracting issues plays in shaping the course

of institutional bargaining and, in the process, determining the scope of the politics of institutional linkages (Sebenius 1983). Broadly speaking, the addition of issues as a means of facilitating institutional bargaining will have the effect of endogenizing linkages by expanding the range of the concerns encompassed within individual regimes. The subtraction of issues can be expected to have the opposite effect.

Once again, the case of climate change offers striking illustrations of these dynamics. The bargaining process regarding climate change began with a focus on reducing emissions of greenhouse gases and especially carbon dioxide. In an effort to make the emerging regime palatable to key countries (e.g. the United States), however, the options of meeting targets and timetables through emissions trading (ET) and joint implementation (JI) and of lowering net emissions by making use of emissions offsets (in such forms as the uptake of carbon via afforestation) have been added as integral parts of the arrangement. Similarly, provisions dealing with the creation of a clean development mechanism (CDM) and additionality with regard to funding have been introduced to make the regime more attractive to developing countries whose emissions of greenhouse gases are currently modest but which are on a course that will make them major emitters of these gases within the next three to five decades.

In this case, institutional bargaining has produced a steady expansion in the scope of the regime and, as a result, a significant trend toward the endogenization of institutional linkages. Even so, there are limits to this process. While the functional interdependencies between the control of greenhouse gases and the regulation of international trade are likely to be substantial, no one has launched a serious effort to integrate the regime for climate change and the

arrangements governing international trade articulated in the agreement establishing the World Trade Organization. In more general terms, however, these observations prompt an inquiry into the distinguishing features of institutional bargaining at the international level and the consequences of these features for the politics of institutional linkages.

Bargaining over the provisions of regimes dealing with largescale environmental problems generally takes place in settings involving multiple actors who strive to devise formulas acceptable to all the participants or, at least, to all the major players. In cases involving deep-seated problems like climate change, the complexities arising from the participation of large numbers of individual players – up to 175 in the case of climate change – are commonly alleviated through the formation of a small number of coalitions or blocs that become the main protagonists in the bargaining process. The negotiations relating to climate change are now dominated by four coalitions: the Umbrella Group, the European Union, the Group of 77 plus China, and the Alliance of Small Island States (AOSIS). In most cases, institutional bargaining is a mixed-motive process featuring a substantial component of what is often described as integrative or productive bargaining as well as a significant element of distributive or positional bargaining (Schelling 1960, Walton and McKersie 1965). The integrative component of the process arises from the facts that information is imperfect, the locus of the welfare frontier is unknown or poorly delimited, and the veil of uncertainty is thick enough to provide participants with incentives to design mutually beneficial arrangements (Brennan and Buchanan 1985). The balance between these integrative forces and concomitant incentives to focus on distributive concerns varies from one instance of institutional bargaining to another. But for the most part, those seeking to arrive at mutually acceptable formulas under such conditions proceed by

developing and refining negotiating texts that become vehicles for moving the process from the articulation of a broad range of disparate perspectives to the formulation of specific provisions that all the major coalitions are willing to accept as components of a constitutional contract.

What are the implications of these features of institutional bargaining for the politics of institutional linkages? The emphasis on consensus building and the open character of the process arising from the search for new approaches under conditions of imperfect information will normally operate to expand the scope of the arrangements under consideration. So long as it is deemed essential to satisfy all the major players or coalitions, the participants will experience incentives to add new elements in the hope of putting together packages that contain enough benefits for all concerned to provide them with convincing reasons to accept the terms of the final agreement or, in other words, to sign and, if necessary, to ratify the convention or treaty in which the content of the agreement is spelled out. The fact that this sort of bargaining is not, in general, a matter of “life on the Pareto frontier” (Krasner 1991) reinforces this tendency to add issues as a means of satisfying the principal concerns of all the major parties. Institutional bargaining seldom takes the form of a process dominated by the use of threats and committal tactics intended to compel others to accept particular outcomes on well-defined welfare frontiers or contract curves. There is nothing to prevent the parties from taking steps to incorporate new issues if that appears to be the most effective way to break deadlocks that have arisen in the effort to arrive at generally acceptable formulas.

Does this mean that we should expect institutional bargaining – at least at the international level - to produce comprehensive or clustered regimes and, in the process, to reduce

the scope for interactions with other distinct regimes? Not necessarily. Bargaining of this sort seldom leads to regimes that cut across the boundaries of broad issue areas, if only because that would require integrating the efforts of agencies located within the governments of member states which are not in the habit of working together on joint projects. It is unlikely, under the circumstances, that a climate regime which integrates provisions covering purely environmental matters with provisions relating to international trade and financial flows will emerge, despite the fact that there is much to recommend an approach of this sort from the point of view of problem solving. Arguably, the environmental side agreement grafted onto the North American Free Trade Agreement (NAFTA) constitutes an exception to this generalization. But this is a highly unusual arrangement, and many observers see the side agreement as a kind of afterthought - introduced to make the overall agreement more palatable in political terms - rather than as a serious example of integrated regime building. Beyond this, the use of negotiating texts as a vehicle for reaching closure in institutional bargaining has the effect of narrowing the scope of the formulas ultimately adopted. The emphasis in this process is on a search for common denominators that leads to the funneling of a wide range of initial suggestions into a smaller and smaller stream of provisions formulated in such a way as to facilitate their codification as elements of an international convention or treaty.⁶ As the United States found out in 1981 when it sought to reopen carefully crafted agreements included in the revised single negotiating text for the UN Convention on the Law of the Sea, taking steps to revisit major issues in a way that casts doubt on prior agreements arrived at through hard bargaining constitutes an unpopular step which even a superpower may be unable to take without incurring substantial costs (Sebenius 1984, Friedheim 1993).

⁶ . Note that this generally involves a search for what might be called the highest common denominator rather than the lowest common denominator as some commentators have suggested. For a clear account

As in the cases of framing the issues and choosing arenas, bargaining over the content of constitutional contracts can have far-reaching consequences for the politics of institutional linkages. But here, too, there is no reason to expect the process to be guided by a search for the identification of an optimal balance between endogenization and institutional interplay. Institutional bargaining is driven by pressures to craft packages of institutional arrangements that prove acceptable to major players or coalitions operating under competitive-cooperative conditions in which information is far from perfect. The results reflect the limits of political feasibility and may involve substantial elements of what negotiators are apt to refer to as creative ambiguity. This is not to say that the outcomes arising from institutional bargaining are bound to prove antithetical to the pursuit of good governance, so that those responsible for implementing and operating regimes will invariably find themselves confronting more or less serious problems relating to institutional interplay at the outset. Rather, the forces governing formative links are distinct from those that arise in connection with operational links, a fact that makes the relationship between these two types of institutional interplay somewhat haphazard.

2. Operational Links

Whereas formative links center on institutional interplay arising in the course of regime (re)formation, operational links involve processes characteristic of efforts to move regimes from paper to practice and especially to administer or operate these arrangements successfully on a day-to-day basis. Unlike self-executing contracts, regimes are ongoing arrangements that must be tended on a regular basis in order to prove effective in solving problems. Depending upon the defining characteristics of the arrangements in question, managers will find themselves dealing

framed in terms of the idea of the least ambitious program, see Underdal (1980).

with matters relating to the achievement of compliance with regime rules, the fulfillment of commitments made by members, the operation of collective-choice procedures, the development of programmatic initiatives, the funding of activities conducted under the auspices of the regime, and the resolution of disagreements regarding the application of the regime's provisions to specific situations. Since these concerns require attention throughout the life of a regime, it is a matter of some importance to examine interactions between or among regimes regarding such matters or, in other words, to think about the politics of institutional linkages arising in operational settings.

2.1 Supplying Common Services

In many social settings, it is helpful to draw a distinction between regimes themselves - understood as constellations of rights, rules, and relationships - and organizations - construed as material entities - established to provide various services needed to operate these arrangements effectively on a day-to-day basis.⁷ There is a natural tendency in situations of this sort to favor the development of organizations that can provide services at one and the same time for a number - sometimes a large number - of distinct regimes, a procedure that leads immediately to the development of operational interactions among regimes that may have no significant functional links to one another but that are connected through ties to the same service organizations.

Consider the supply of financial resources, the operation of compliance mechanisms, and the provision of legal services as cases in point. Many environmental and resource regimes operating in domestic settings have no independent source of funding; they rely on resources

allocated from a general fund for the financial resources needed to carry out their operations. Conversely, revenues generated by the operation of such regimes, in such forms as grazing fees, royalty payments accruing from the extraction of minerals or hydrocarbons, severance taxes, and pollution charges, flow into the general fund in many systems. Similar comments are in order regarding compliance mechanisms. Many regimes leave matters involving the monitoring of conformance with regulatory requirements and the collection of evidence pertaining to alleged infractions to agencies designated specifically to provide these services. As a result, they may have no more than rudimentary capabilities of their own in these areas. Much the same can be said about the provision of legal services. Individual regimes often depend on specialized agencies – units typically located within ministries of justice - both to prosecute cases against subjects alleged to have violated their rules and to organize a defense in cases where subjects claim that a regime has dealt with them unfairly or in a manner that violates the intent of the rules and regulations,

It is easy to see that this separation between regimes themselves and the organizations that arise to service them often leads to linkages between and among distinct regimes. Sometimes this is simply a matter of competition for scarce resources or finite capacities. Funds allocated to operate one regime may come at the expense of resources needed to operate other regimes effectively. Compliance mechanisms preoccupied with issues relating to violations of the rules of one regime may be unable to pay adequate attention to questionable activities occurring in connection with other regimes. On the other hand, there are undoubtedly cases in which linkages of this sort serve to enhance the effectiveness of all or most of the regimes involved. To begin with, the development of organizations specializing in matters of funding,

⁷ . Note that these organizations may – but need not – be elements of the regimes themselves.

compliance, or the provision of legal services can improve efficiency by taking advantage of economies of scale. These organizations can profit as well from lessons learned in specific areas that can be generalized to other areas and by taking advantage of opportunities to experiment on a limited basis with innovative procedures that can be applied in a number of areas once they are approved for general use. These observations do not yield any general formula regarding the optimal scope and scale of these operational links. But they do help to account for the ubiquity of such linkages in many settings.

Some will react to this account of operational links with the thought that they are not likely to be of much importance at the international level, however widespread and significant they may be in domestic settings. The reasoning behind this reaction is straightforward. International society lacks a government or public authority of the sort required to establish and administer service organizations dealing with matters like funding, compliance, and the provision of legal services on a centralized basis. It follows that international regimes created to solve specific problems, such as climate change or the loss of biological diversity, will typically have to provide their own services, a situation that both sets them apart from their domestic counterparts and imposes a significant burden on those responsible for their administration. Yet it would be a mistake to carry this line of reasoning too far. Domestic regimes sometimes prove resistant to the efforts of organizations to provide services on a centralized basis, and a number of interesting experiments are now underway at the international level which point to prospects for the growth of operational links in international society during the foreseeable future.

Legislation creating regimes at the domestic level ordinarily designates a lead agency for each arrangement and invests these agencies with the authority needed to administer individual arrangements on a day-to-day basis. In the United States, for instance, the Forest Service is responsible for administering the rules governing human activities in national forests; the National Marine Fisheries Service administers the regime dealing with the harvesting of fish in the exclusive economic zone, and the Bureau of Land Management handles arrangements governing grazing on lands that are part of the public domain. None of these agencies is in a position to become a wholly autonomous body, generating its own funds or dealing with violators in whatever way it sees fit. Yet lead agencies can and often do become highly protective of their own turf. It is not uncommon for them to set up their own monitoring systems, establish their own legal staffs, and, in general, resist interference on the part of outsiders. In some cases, lead agencies have even sought to develop revenue sources of their own, although legislative committees and executive bodies (e.g. the Office of Management and Budget or OMB in the United States) can be counted on for obvious reasons to seek to suppress such moves to achieve financial autonomy. None of this diminishes the importance of organizations designed to provide joint services at the domestic level. But these observations do indicate a need for caution in contrasting domestic and international settings in these terms.

Equally important is the proliferation of experiments involving joint services at the international level. Some of the resultant arrangements are now well-established. UN specialized agencies such as the International Maritime Organization (IMO) supply administrative services for a number of distinct regimes. In other cases, innovative arrangements are emerging under which individual regimes (e.g. the ozone regime, the regime governing trade in endangered

species, the regime dealing with transboundary movements of hazardous wastes) have distinct secretariats that are nonetheless loosely connected under the umbrella of a single organization (e.g. UNEP). There is a considerable history of efforts to create separate organizations designed to supply scientific assessments needed by those responsible for the administration of specific regimes. One of the best known examples is the International Council for the Exploration of the Seas (ICES) which was founded at the beginning of the twentieth century and which now plays an acknowledged role in supplying credible scientific assessments to a number of international fisheries regimes. A more complex and ambiguous case involves the relationship between the Subsidiary Body on Scientific and Technological Advice (SBSTA), which is an integral component of the climate regime, and the Intergovernmental Panel on Climate Change (IPCC), which is a separate body operating under the auspices of UNEP and the World Meteorological Organization (WMO).

Perhaps the most interesting recent development relating to the supply of joint services at the international level centers on the activities of the Global Environment Facility (GEF). This organization, operating under the joint auspices of the World Bank, UNEP, and the UN Development Programme (UNDP), has emerged as an important mechanism for funding the programmatic activities launched in connection with the regimes dealing with climate change, biological diversity, and desertification; it also provides funding to supplement the efforts of the Montreal Protocol Multilateral Fund (MPMF) to facilitate the phasing out of ozone-depleting substances (Fairman 1996). Not surprisingly, the GEF has proven controversial and for several different reasons. Yet there is no denying that the solidification of the GEF's role in recent years

amounts to a major step forward in the supply of joint services at the international level (Sand 1999).

There is no comparison between the scope of the institutional interplay arising from the role of organizations supplying joint services to a number of distinct regimes at the domestic level and the parallel phenomenon at the level of international society. Even so, operational links of this sort are on the rise at the international level. When regimes dealing with matters as diverse as climate change, biological diversity, desertification, and ozone depletion are linked to one another because they share a funding mechanism, the scope for institutional interplay expands rapidly. Under the circumstances, it is reasonable to anticipate that the politics of institutional linkages will become increasingly prominent in this realm during the foreseeable future. Whether the results will, on balance, enhance the performance of individual regimes remains to be seen. But as the controversies surrounding the role of the GEF make clear, political processes arising from operational links have already become a fact of life at the international level.

2.2 Reconciling Institutional Overlaps

Institutional overlaps occur regularly in all social settings; they can be expected to become more common and more significant as the density of institutional arrangements operating in the same social space increases. This explains the growing interest in overlaps among international regimes created to deal with environmental problems on the one hand and with commercial or economic concerns on the other (von Moltke 1997). What makes overlaps particularly important and worthy of separate consideration in this discussion of operational links

is the fact that they not only pose technical challenges to those seeking to avoid or minimize mutual interference in the day-to-day operations of individual regimes but also generate more or less severe conflicts of interest among influential actors in the affected issue areas. Arguments about the compatibility of the rules governing international trade and various environmental measures (e.g. restrictions on transboundary movements of hazardous wastes under the terms of the Basel Convention or restrictions on the development of genetically modified organisms under the terms of the biosafety protocol to the Convention on Biological Diversity) are not purely technical matters. They involve the interests of actors that are powerful in economic terms as well as environmental groups concerned with the protection of public health and the avoidance of what has become known as eco-imperialism.

It follows that the development of effective procedures to resolve – or at least to manage – conflicts arising from institutional overlaps is a critical concern in every social setting. A number of approaches to this problem are in common use. In the private sector, where the issue is framed primarily in terms of efficiency or profit maximization in contrast to fairness or equity, overlaps are often reconciled through mergers brought about either by amicable agreements or by hostile takeovers. Where there are significant economies of scale to be exploited through the expansion of production processes, horizontal integration is an attractive option. The existence of opportunities for reducing production costs either by increasing the compatibility of intermediate products or by ensuring that such products are supplied in a timely manner, on the other hand, makes vertical integration an attractive device. Whatever the virtues of these responses to overlaps in the private sector, however, they have little to tell us about the treatment of institutional overlaps in situations where the problem arises from conflicts about the rules of

separate regimes in contrast to inefficiencies arising from efforts to reap benefits under the terms of regimes or constellations of rules that are not contested.

At the domestic level, courts - and, in the final analysis, legislatures - constitute the primary mechanisms for resolving conflicts arising from institutional overlaps. Efforts to resolve conflicts between environmental regulations and the rules governing economic activities have become a significant component of the case load of courts in developed countries like the United States. Do the rules articulated in the regime for the protection of endangered species require the suspension of contracts governing the harvest of timber in certain national forests or the reconsideration of approved projects involving the construction of dams on certain rivers? Do regulations promulgated to implement the regime for clean air require the burning of low sulfur coal, regardless of the terms of preexisting contracts (Munton 1998)? How much discretionary authority do administrators have in applying the provisions of these regimes to the circumstances arising in specific situations? As these examples suggest, moreover, those who are dissatisfied with the judgments that courts render regarding such matters can and often do appeal to legislatures to modify the rules of existing regimes in such a way as to overturn or at least to revise the judgments handed down by courts. In cases where regimes require periodic legislative reauthorization, such as the arrangements established under the terms of the Endangered Species Act, the Clean Air Act, or the Fishery Conservation and Management Act in the United States, recurrent legislative battles are standard fare. In the wake of particularly controversial decisions on the part of courts, these battles become heated; they often lead to adjustments in prevailing regimes which reflect the political influence of those groups whose interests are affected by these arrangements.

There is no guarantee that these procedures for coming to terms with institutional overlaps will produce outcomes that contribute to the achievement of social goals like sustainability, efficiency, or equity. But they are far more developed than their counterparts operative at the international level (Young 1999c). Still, the increasing frequency of overlaps in international society has led to a marked growth of interest in this problem and to a variety of experiments with procedures designed to solve it. The most striking examples at present involve overlaps between regimes dealing with specific environmental problems and the more comprehensive arrangement governing international trade. The central debate in this realm concerns the (in)adequacy of the WTO's Committee on Trade and the Environment and the (un)acceptability of the WTO's dispute resolution procedures as devices for handling issues involving significant overlaps between environmental regimes and the various components of the trade regime. But other cases are worthy of consideration in this realm as well. It will be interesting to see, for instance, whether the recently established International Tribunal for the Law of the Sea (ITLOS) can succeed in playing a constructive role not only in reconciling overlaps among the various components of the clustered regime dealing with marine matters but also in sorting out overlaps between arrangements included within the law of the sea and various environmental regimes (e.g. the regime for biological diversity).⁸ Similarly, it is possible to imagine significant roles for organizations like the GEF in finding ways to deal with overlaps among different environmental regimes that focus on specific problems such climate change, ozone depletion, biological diversity, and desertification.

Despite these developments, ad hoc negotiation is likely to remain the predominant mechanism for handling overlaps in international society for some time to come. Recognizing this fact, individual interest groups will take steps to structure such negotiations in ways that favor their own causes (a phenomenon discussed in some detail in the next section with particular reference to overlaps between environmental and trade arrangements). The overall affect of such processes is to reduce the role of specialized organizations (e.g. courts) in determining the course of the politics of institutional linkages at the international level. Some will surely see this as a defect in international society that needs to be corrected sooner rather than later, especially in the light of the continuing rise in the density of international regimes. The magnitude of the transaction costs arising from efforts to reconcile institutional overlaps through ad hoc negotiations provides a strong argument in favor of this proposition. Yet there is no compelling reason to conclude that it makes sense to emulate the experience of domestic societies in the search for improved procedures to deal with the politics of institutional linkages at the international level. The performance of domestic systems measured in terms of criteria like sustainability, efficiency, and equity is by no means reassuring. There is much to be said, under the circumstances, for making a concerted effort to encourage innovation in the search for mechanisms to handle institutional overlaps that are adapted to the particular conditions prevailing in international society.

3. Strategic Uses of Interplay

Both the formative links and the operational links discussed in the previous sections give rise to political processes. They cannot be understood fully in terms of conventional approaches

⁸ . Some observers worry about the prospect of conflicts between the rulings of ITLOS and the work of the International Court of Justice (ICJ), and some states have rejected the jurisdiction of ITLOS in ratifying

to public administration or handled effectively through the application of simple procedures based on some ideal conception of good governance or the pursuit of the public interest. Nonetheless, these links do feature efforts motivated in considerable part by a desire to create arrangements that will prove successful in solving the problems leading to their formation and to administer these arrangements in such a way as to ensure success in these terms. The exploitation of institutional interplay for strategic purposes, by contrast, occurs when actors strive deliberately and predominantly to take advantage of institutional overlaps to pursue their own agendas. For those engaged in such strategic actions, the extent to which regimes solve problems whose importance is acknowledged by all parties concerned becomes a secondary consideration. Instead, the center of attention shifts to efforts on the part of major actors to exploit processes of interactive decisionmaking to promote their own ends, regardless of the consequences in terms of the common problem at stake.

3.1 Engaging in Institutional Foreplay

Those who approach linkages strategically sometimes engage in institutional foreplay in the sense of seeking deliberately to adjust or alter existing institutional arrangements in order to reduce asymmetries and strengthen their hand in subsequent efforts to (re)form institutions. Perhaps the most obvious cases arise under conditions featuring interactions between a single regime that is perceived as large and powerful on the one hand and a collection of more narrowly defined regimes that are thought to be weaker on the other. But other forms of institutional foreplay are certainly imaginable. Thus, it may make sense to take steps to strengthen a regime's compliance mechanisms or to improve procedures for settling disputes about the requirements of a regime's rules in anticipation of interactions between the regime in question and other regimes

dealing with functionally related problems. The argument for taking such steps would emphasize the importance of putting one's own house in order in preparation for interactions with others. Thus, the need to deal with external pressures may generate positive side effects with regard to the effectiveness of individual regimes within their own domains.

The most prominent current example of institutional foreplay relating to largescale environmental concerns centers on the debate over the idea of creating a World Environment Organization (WEO) treated as a counterpart to the existing WTO. Advocates of the establishment of a WEO have articulated a number of reasons for taking this step (Biermann 2000). But one of the most persuasive of these rationales involves institutional foreplay and goes like this. Many specific environmental regimes, such as those pertaining to ozone depletion, transboundary movements of hazardous wastes, and trade in endangered species, have provisions that deal with trade and that raise questions about the compatibility between trade measures embedded in environmental regimes and the provisions of the overarching international regime governing trade. It follows that interactions between environmental regimes and the trade regime will occur with some frequency. As things now stand, however, the environmental regimes will find themselves at a distinct disadvantage in these interactions. The trade regime is a comprehensive arrangement that includes provisions (e.g. the Committee on Trade and the Environment) designed to deal with environmental issues in a manner acceptable to the trade community and that is administered by an organization - the WTO itself - whose capacity and resources dwarf those available to individual environmental regimes (Esty 1993). On this account, a primary function of a WEO would be to level the playing field in interactions between environmental regimes and the trade regime. So long as the capabilities of the environmental

community are fragmented among a number of individually weak arrangements, the proponents of a WEO argue, the WTO will be able to divide and conquer in a manner yielding results detrimental to the pursuit of environmental goals. The creation of a WEO would reduce these asymmetries and, as a result, contribute to the achievement of outcomes more in line with environmental goals.

Is this argument persuasive? In essence, it rests on two propositions: fragmentation is a source of weakness in interactions between environmental regimes and the trade regime, and the creation of a WEO would strengthen substantially the environmental side in these interactions. The validity of these claims is less than self-evident in both cases. International practice is moving toward acceptance of multilateral initiatives involving the use of trade measures to come to grips with environmental problems. To take a prominent example, the Montreal Protocol grants the COP the authority to impose trade sanctions on individual members that fail to comply with accepted phase-out schedules. If a number of states that are influential members of both the ozone regime and the trade regime choose to support the use of these sanctions as a legitimate application of the provisions of the ozone regime, there is no reason to suppose that supporters of the trade regime will be able to overturn this initiative on the grounds that it conflicts with the rules of the trade regime. Note also that the creation of a WEO could prove costly both in terms of the material resources required to run a sizable environmental organization and in terms of the emergence of turf battles between those whose loyalties lie with individual environmental regimes and those whose interests favor integrating individual environmental regimes into a tighter package under the auspices of a WEO. As a result, the effort to establish a WEO could prove divisive rather than strengthening the hand of environmental regimes in their dealings with

the WTO. Clearly, institutional foreplay is now an issue to be reckoned with in connection with the larger subject of interplay between economic and environmental regimes at the international level. But the ultimate outcome of this instance of strategic interaction is far from clear.

3.2 Devising Linkage Strategies

Turn now to a consideration of options available to those seeking to take advantage of existing regimes to promote their own agendas. Needless to say, exploitative measures must be tailored to the circumstances prevailing in specific situations if they are to yield a high probability of success. Yet it is helpful to differentiate several families or constellations of linkage strategies that are easy to identify and often employed by those seeking to exploit institutional links to serve their own purposes. Three such families are worthy of consideration here: strategies centering on institutional capture, institutional reform or elimination, and institutional integration.

In some situations, strategic interaction centers on efforts on the part of actors that are initially outsiders to exploit linkages in such a way as to capture regimes expected to affect their interests significantly. Sometimes this is essentially a matter of finding ways to control the selection of arenas in which regime formation occurs in the first place. The struggle between proponents and opponents of UNEP as an appropriate arena for the creation of the climate regime, referred to earlier in this chapter, is a prominent case in point. But the launching of institutional initiatives designed to capture regimes already in place is an equally important phenomenon. Those who worked hard during the 1980s to persuade the International Whaling Commission (IWC) to pass a moratorium on the harvesting of great whales and who have

opposed the implementation of the Revised Management Procedure (RMP) in recent years, for instance, sought to shift the basic agenda of the regime from conservation to preservation. Similarly, one objective of those advocating the creation of the Arctic Council was to annex the preexisting Arctic Environmental Protection Strategy (AEPS) and to balance the environmental protection program operating under the auspices of the AEPS with a newly created sustainable development program mandated in the 1996 Ottawa Declaration establishing the Arctic Council (Scrivener 1999).

Under other conditions, those who find existing regimes threatening may abandon efforts to alter the provisions of these regimes and seek, instead, to replace them with more acceptable alternatives. Interestingly, the recent history of efforts to regulate whaling also provides an illuminating example of this type of strategy. Frustrated by the unwillingness of the International Whaling Commission (IWC) to lift the blanket moratorium on the harvesting of whales and to proceed with the implementation of the RMP, whalers in the Faro Islands, Greenland, Iceland, and Norway established the North Atlantic Marine Mammals Commission (NAMMCO) in 1992 as a mechanism for protecting and promoting their interests in this issue area (Hoel 1993). To be sure, these actors have always maintained – at least in public - that NAMMCO should not be looked upon as a potential alternative to the IWC; its objective is merely to improve management practices relating to marine mammals – including but not limited to whales – in the North Atlantic area. But the strategic significance of this initiative is clear. Iceland has withdrawn formally from the whaling regime. Norway argues that it is not bound by the general moratorium with regard to the harvesting of minke whales. The Faros and Greenland take the view that the strictures of the IWC should not apply to them. The members of NAMMCO are under no

illusion about their ability to capture the whaling regime. But they are clearly signaling that they may go their separate way regarding this issue area if the IWC does not alter its current stance regarding the harvesting of non-endangered whales (Caron 1995). The implicit threat is that those whose actions ought to be regulated under the terms of the RMP will take their business elsewhere if the IWC does not change its ways, thereby calling into question the relevance of the existing whaling regime (Friedheim forthcoming).

The third family of linkage strategies centers on efforts to rationalize existing institutional arrangements through various forms of integration. International institutions, like institutional arrangements in other social settings, exhibit a tendency to evolve haphazardly in the absence of a master plan. This may result from initiatives involving (1) overlapping but not identical geographical areas (e.g. the Arctic Council and the Barents Euro-Arctic Region), (2) related but not identical functional concerns (e.g. environmental protection and sustainable development), or (3) the advent of overarching arrangements that may subsume preexisting regimes (e.g. the regime for biological diversity and the more specific regime covering trade in endangered species). In such cases, some major players may find it attractive to launch initiatives designed to rationalize and even integrate collections of institutional arrangements that have become increasingly difficult to disentangle in practice. Naturally, those who take the lead in this area are likely to claim that their actions are motivated by considerations of good governance and the need to come to terms with costly institutional overlaps. In specific cases, there may be some truth to such claims. Yet it is clear that initiatives of this type are commonly energized by a desire to promote the interests of their principal supporters. It may make sense from a managerial perspective, for instance, to look for ways to link fisheries regimes whose purpose is to regulate

the harvesting of targeted species and the overarching biodiversity regime which seeks to maintain the integrity of large marine ecosystems (Hoel 1999). But it is also clear that the focus on whole ecosystems and the associated tendency to embrace the precautionary principle, which are prominent features of the biodiversity regime (Sand 2000), will lead to management decisions that sometimes conflict with the preferences of harvesters whose interests normally dominate the activities of specific fisheries regimes (Norse 1993). Of course, the outcomes arising from the use of integration strategies in particular situations will be affected by the politics of the relevant issue areas. But it seems indisputable that interest in matters of this sort will grow as the density of institutional arrangements operating at the international level increases.

4. Future Directions

Institutional interplay becomes a matter of politics when actors engaged in specific interactions seek consciously to make use of overlaps to achieve identifiable goals. Sometimes this is a matter of designing and administering distinct institutions in such a way as to solve common problems or, in other words, to enhance social welfare or promote the common good. Situations of this kind give rise to a lively interest both in the initial development of institutional arrangements and in the creation of appropriate organizations to administer or manage the resultant arrangements on an ongoing basis. In other cases, the emphasis falls on exploiting institutional interplay in such a way as to promote the interests of particular actors, whether or not this contributes to problem solving. Not surprisingly, the politics of institutional linkages normally feature a complex mix of efforts to enhance social welfare and to promote the interests of individual participants. This is likely to confound the efforts of those who seek to design

efficient and equitable regimes to solve problems without paying attention to the conflicts of interest that constitute a common feature of this form of interactive decisionmaking. Yet the occurrence of mixed motives in this realm is good news for analysts who study strategic interactions in a variety of settings and who have accumulated significant intellectual capital that can be brought to bear in efforts to understand the politics of institutional linkages (Schelling 1978).

This chapter and its predecessor have explored issues relating to horizontal and vertical interplay on the assumption that these forms of institutional interaction can be separated and analyzed independently. This surely makes sense as a research strategy. Nonetheless, the two forms of institutional interplay can and often do occur simultaneously and interact with one another in ways that affect collective outcomes significantly. The creation of a WEO and the impacts of such an initiative on interactions between environmental and trade regimes at the international level, for instance, would undoubtedly have repercussions affecting cross-scale interactions between international regimes and institutions that operate at the national level and that are likely to be assigned the task of implementing specific international agreements. Among other things, a development of this type would trigger a range of issues involving relations between ministries of trade or commerce and ministries of the environment at the national level which can be shunted to the back burner so long as the links between environmental and trade regimes are not regarded as priority concerns or recognized under the terms of explicit international agreements. It follows that efforts to understand the links between horizontal and vertical interplay are destined to become a topic of considerable interest in the future among those in search of ways to come to terms with largescale environmental changes.